



Action Agenda

Board of Commissioners
March 11, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on March 11, 2014 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Steve Brown, Chairman
Charles Oddo, Vice-Chairman
David Barlow
Allen McCarty
Randy Ognio

Staff Present:

Steve Rapson, County Manager
Floyd L. Jones, County Clerk
Tameca P. White, Deputy County Clerk
Patrick Stough, Assistant County Attorney

Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the March 11, 2014 Board of Commissioners meeting to order at 7:00 p.m.

Commissioner Barlow gave a brief PowerPoint presentation on attendance at the 85th Annual Department of Community Health meeting.

Commissioner Barlow asked Rabbi Louis Feldstein of the Congregation of B'nai Israel to give the Invocation. Rabbi Feldstein then gave the Invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda, to add into the Presentation / Recognition portion of the Agenda the March for Meals request and certificate, to add the March 7, 2014 Special Called Meeting Minutes to the Agenda, and to move New Business Item #17 to the front of the New Business portion of the Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

(For the purpose of this Action Agenda, the Agenda items have been renumbered to include the Fayette Senior Services recognition and to include the March 7, 2014 Special Called Meeting Minutes.)

PRESENTATION / RECOGNITION:

1. **Proclamation recognizing Congregation B'nai Israel and its contribution to the Fayette County community.**

Commissioner Barlow read the recognition for Congregation B'nai Israel. Ms. Sharon Hudgins, President of B'nai Israel, thanked the Board for its recognition of the congregation.

2. **Proclamation of March 15, 2014 as "Master Gardener Extension Volunteer Day."**

Commissioner Allen McCarty read a proclamation for March 15, 2014 as "Master Gardener Extension Volunteer Day." Agricultural and Natural Resource Agent Kim Toal accepted the proclamation on behalf of the Master Gardeners and spoke briefly about the work of the Master Gardeners.

3. **Recognition and presentation of four newly promoted Fire and Emergency Services officers to the rank of Lieutenant.**

Fire Chief David Scarbrough presented four members of the Fayette County Fire Department, along with their family and friends, to the Board of Commissioners in recognition of their promotions to the rank of Lieutenant. Judge Fletcher Sams officiated the oath of office for each of the lieutenants, and the County Commissioners congratulated the new lieutenants on their promotions.

4. **Recognition and resolution commending the Association of County Commissioners of Georgia (ACCG) on the occasion of its 100th anniversary.**

Commissioner Oddo read the resolution recognizing the ACCG's 100th Anniversary. Mr. Ross King, Executive Director of the ACCG, spoke briefly on the ACCG's work with Fayette County.

5. **Recognition of Fayetteville, Tyrone, and Peachtree City for being numbered as among the 50 safest cities in Georgia.**

Chairman Brown spoke about the honor Fayette County has to have three of its cities recognized as among the 50 safest cities in Georgia. He then invited the elected representatives from Peachtree City, Tyrone, and Fayetteville to be recognized on behalf of their cities.

6. **Recognition of Fayette Senior Service's participation in the national March for Meals campaign that will take place through the entire month of March, and of Community Champions Week that will occur from March 17-21, 2014.**

Chairman Brown recognized Fayette Senior Service's work with the March for Meals campaign, and he spoke about the Meals on Wheels program in the county. He then read a certificate on behalf of the Board recognizing Fayette Senior Service's work. Mrs. Nancy Meaders, Director of Fayette Senior Services, commented on the needs and work in the community.

PUBLIC HEARING:

7. Consideration of Petition Number RP-051-14 for the Revision of a Recorded Plat for McNiel Farms Subdivision by adding nine (9) lots as McNiel Farms, Phase II.

Mr. Joseph "Joey" Scanlon of Scanlon Engineering Group and representing The Scarbrough Group spoke to the Board about the need to pass Petition Number RP-051-14, and he answered questions from the Board.

No one else spoke in favor of or in opposition to this petition. Community Development Director Pete Frisina provided additional insight on Petition RP-015-4.

Commissioner Oddo moved to approve Petition Number RP-051-14 for the Revision of a Recorded Plat for McNiel Farms Subdivision by adding nine (9) lots as McNiel Farms, Phase II.

8. Consideration of staff's request to adopt Resolution 2014-07 pertaining to the "Fayette County 2013 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2014-FY2018)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs.

Community Development Director Pete Frisina spoke briefly about his request to adopt 2014-07.

No one spoke in favor of or in opposition to this request.

Commissioner Ognio pointed out that both Swanson Road and Kelly Road were on the Fayette County Comprehensive Plan Amendment Short Term Work Program Update FY2014 -FY2018- Public Works list, but that the funding for both roads had been pulled. He asked for those roads to be removed from consideration.

Commissioner Ognio moved to adopt Resolution 2014-07 pertaining to the "Fayette County 2013 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2014-FY2018)," to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs, and with the amendment of removing Swanson Road and Kelly Road from Page 5 of the County Comprehensive Plan Amendment Short Term Work Program Update FY2014-FY2018- Public Works. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

CONSENT AGENDA:

Commissioner Oddo moved to approve Consent Agenda Items 9-13. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

9. Approval of staff's recommendation to approve mid-year budget adjustments for Fiscal Year 2014.

10. Approval of staff's recommendation to add Stillbrook Estates Phase III to the Fayette County Street Light Program.

11. **Approval of the Water System's recommendation to waive parking fees at Lake McIntosh Park for out-of-county participants in the Sailboat Regatta planned for August 2-3, 2014.**
12. **Approval of the Water Committee's recommendation to allow for the insertion of flyers or other informational material for recurring events throughout Fayette County.**
13. **Approval of the February 27, 2014 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

14. **Consideration of the Selection Committee's recommendation to reappoint Mr. Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2014 and expiring January 31, 2018.**

Commissioner Ognio moved to approve the Selection Committee's recommendation to reappoint Mr. Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2014 and expiring January 31, 2018. No discussion followed. The motion passed unanimously.

15. **Consideration of staff's recommendation to adopt Ordinance 2014-03 revising provisions pertaining to alcoholic beverages, identification cards for employees of licensees, and to days and hours of operations.**

Code Enforcement Officer Kathy Hobbs briefed the Board on staff's recommendation to adopt Ordinance 2014-03.

Commissioner Barlow moved to accept staff's recommendation to adopt Ordinance 2014-03 revising provisions to alcoholic beverages, identification cards for employees of licensees, and to days and hours of operations, to include proposed changes for Section 3-42 (c) and proposed changes for Section 3-43 (b). Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

16. **Consideration of staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts.**

Code Enforcement Officer Kathy Hobbs briefed the Board on staff's recommendation to adopt Ordinance 2014-04, and she answered questions from the Board.

Commissioner Oddo moved to accept staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts. Commissioner Barlow seconded the motion.

Becky Smith and Dawn Oparah: Ms. Smith and Ms. Oparah approached the public speaking podium jointly, spoke in support of Ordinance 2014-04, asked the Board for the opportunity to work to strengthen the ordinance, and answered questions from the Board.

Code Enforcement Officer Kathy Hobbs added some additional information to this discussion.

Don Haddix: Mr. Haddix agreed that Peachtree City had areas that needed to be dealt with, but he explained that there were extenuating factors that needed to be considered. He pointed out that while Peachtree City has problems, it does not tolerate its problems. He emphasized that he supported Ordinance 2014-04.

Larry Younginer: Mr. Younginer informed the Board that he supported Ordinance 2014-04, but that he wanted the wording to "be done correctly" so that the innocents are not arrested.

No one else spoke in favor of or in opposition to this request.

The motion to accept staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts passed unanimously.

17. Discussion of Hoop Houses and Detached Rooms in association with zoning regulations for accessory structures.

Community Development Director Pete Frisina discussed the issue of Hoop Houses with the Board, spoke of the concerns the Hoop Houses present, answered Board questions, and asked for the Board's permission to continue looking into the matter. The Board gave Mr. Frisina permission to continue looking into the matter. The Board did not take action on this matter.

Mr. Frisina also asked the Board for permission to look into the issue of Detached Rooms, and the Board gave Mr. Frisina the permission he sought. The Board did not take action on this matter.

18. Consideration of the request from the Fayette County Chamber of Commerce and Fayette County Development Authority for Fayette County to support the Fayette Visioning Initiative in the amount of \$10,000.00.

County Administrator Steve Rapson briefed the Board about this request.

Commissioner McCarty moved to approve New Business Item 18. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

19. Consideration of the March 7, 2014 Special Called Meeting Minutes.

Commissioner Oddo moved to approve the March 7, 2014 Special Called Meeting Minutes. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Roy Bishop: Mr. Bishop commented on the ongoing SPLOST project on Westbridge Road, and he asked the Board to fast-track the project.

Emory McHugh: Mr. McHugh spoke about his concerns with Fayette County's finances.

Frank DeStadio: Mr. DeStadio asked the Board to reconsider its stance on allowing public comment from those who use the time to argue as if they are in front of a Grand Jury or read manuscripts for long periods of time.

Larry Younginer: Mr. Younginer asked the Board to consider placing an offset light on State Route 279 that would forewarn drivers of traffic conditions.

Commissioner Charles Oddo: Commissioner Oddo spoke about his confidence with the Fayette County Finance Department and the county staff.

ADMINISTRATOR'S REPORTS:

Appointment of an Official County Representative for ACCG County Roll Call: County Administrator Steve Rapson reported that the Association of County Commissioners Georgia is celebrating their 100th anniversary and that the association had asked the County to appoint an official from the County to represent Fayette County at the ACCG County Role Call on April 12, 2014. He stated that he was uncertain what the duties would entail but that it would probably be a flag ceremony. Chairman Brown asked if the official would also be the voting member, and Mr. Rapson replied that he thought that was the case. Commissioner Barlow volunteered to represent Fayette County at the Roll Call, and the Board consented to have Commissioner Barlow represent Fayette County.

Update on Swanson Road and Kelly Drive: County Administrator Steve Rapson reminded the Board that Swanson Road was brought up earlier in the meeting. He then informed the Board that both Swanson Road and Kelly Drive were dirt-paved roads whose projects were pulled during the budget process earlier this year. He explained that being pulled from the budget does not mean that those projects have been swept away, but that they have simply been tabled until funding is available in the operating budget to facilitate taking care of existing roads that are already paved. He reported that the homeowners on Kelly Drive and Swanson Road have already been notified about this matter.

Response to Mr. Emory McHugh's Public Comments: County Administrator Steve Rapson responded to Mr. Emory McHugh's public comments.

ATTORNEY'S REPORTS:

Pending Litigation, Threatened Litigation, and Review of Executive Session Minutes: Assistant County Attorney Patrick Stough reported that one item of Pending Litigation, one item of Threatened Litigation, and review of the February 27, 2014 Executive Session Minutes and of the March 7, 2014 Executive Session Minutes needed to be considered in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said he was not trying to usurp Chairman Brown's authority, but that Mr. McHugh was going over the same ground as before, and that he had already spewed his diatribe from months back, and he did not think either the citizens or the Board needed to sit in the room and listen to it over again. He said he appreciated that Chairman Brown responded to the comments since he responded the exact same way the last time. He suggested that Mr. McHugh was not living in reality, that he is a disgruntled ex-employee with Fayette County, and he thought when there is an individual like that come to the meeting that the Board should have a right to have the Marshals escort him out of the building if he is going to be spewing nonsense. Commissioner Barlow

added that if Mr. McHugh wants to come to a meeting and make a valid point, then there would not be one person on the Board of Commissioners that would ask him to stop and that everyone was interested in what every citizen has to say.

Commissioner McCarty: Commissioner McCarty asked why Mr. McHugh was singling him out as the one who voted on the item since it was something “we all had a hand in.”

Commissioner Oddo: Commissioner Oddo replied that tax season here and reminded everyone to be cognizant of that matter. He then said that a “very little bird” told him something and he asked the Board to congratulate Deputy County Clerk Tameca White for one year with Fayette County. Chairman Brown added that Ms. White “does a great job running the County, and that he appreciated it.” Commissioner Oddo added that many of the Commissioners would be traveling to Tifton, Georgia, and that he would take the last course before he would become certified. He said the training wheels would then come off and he would be an official Commissioner. He closed by wishing everyone a wonder St. Patrick’s Day.

Chairman Brown: Chairman Brown thought it was great that County Administrator Steve Rapson and Fire Chief David Scarbrough did their promotions at the Board of Commissioners meetings. He thought the promotion ceremony was really well done, that it means much to the families, and it is a great opportunity to celebrate their achievements. He said the parents and spouses who attended the meeting were glowing. He thanked Chief Scarbrough for bringing the promotion ceremony to the Board of Commissioners meeting. Chairman Brown then replied to several of Mr. Emory McHugh’s public comments.

Commissioner Ognio: Commissioner Ognio commented that on the Local Option Sales Tax Negotiations saying the County and the cities came really close, if there had been no settlement, of losing the lawsuit completely. He said that, due to the Board’s cooperative effort with the cities, the LOST was kept. He thought Mr. McHugh needed to review LOST’s history and what was really accomplished.

Commissioner McCarty: Commissioner McCarty stated that anyone, anywhere in the world with an internet connection, can look at tonight’s meeting live as it happens, as well as the next meetings, and all of the meetings are put in a file where previous meetings can be viewed. He asked how much more open a government can be than that.

EXECUTIVE SESSION:

Pending Litigation, Threatened Litigation, and Review of Executive Session Minutes: Chairman Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:02 p.m. and returned to Official Session at 9:18 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

February 27, 2014 Executive Session Minutes and March 7, 2014 Executive Session Minutes: Chairman Brown moved to approve the February 27, 2014 Executive Session Minutes and the March 7, 2014 Executive Session Minutes. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Chairman Brown moved to adjourn the March 11, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown adjourned the March 11, 2014 Board of Commissioners meeting at 9:18 p.m.

Floyd L. Jones, County Clerk